

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**EARL HIGGS,**

**Plaintiff,**

**vs.**

**Case No. C2-02-1092**

**Judge Edmund A. Sargus, Jr.**

**Magistrate Judge Norah McCann King**

**THE WARRANTY GROUP,**

**et al.,**

**Defendants.**

**ORDER**

Without objection of Defendants, Plaintiff's Motion for Class Certification is **GRANTED**.<sup>1</sup>

Pursuant to the proof offered by Plaintiff that this matter satisfies the requirements of Federal Rules of Civil Procedure 23(a), 23(b)(2) and 23(b)(3), the Court hereby certifies the following classes and subclasses:

1. As to certification under Rule 23(a), 23(b)(2), and 23 (b)(3), Class One is defined to include all Ohio residents who at any time on or after July 27, 2000, were or will be solicited by defendants or their affiliated companies or partners for the purchase of a "Warranty Group Service Contract" for or in connection with an automobile primarily used for personal, family or household purposes, by means of advertisements and solicitations similar to those attached to the Amended Complaint as Exhibits 1 and 4.
2. A subclass thereof is defined to include all Ohio residents who at any time on or after July 27, 2000, purchased a "Warranty Group Service Contract" or "Limited Warranty Service Contract" from defendants or their affiliated companies or

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<sup>1</sup> The Court acknowledges that, for purposes of certification of a settlement class, Defendants do not challenge class certification. In the event the settlement is not approved or otherwise consummated, Defendants reserve the right to challenge class certification.

partners for or in connection with an automobile primarily used for personal, family or household purposes.

3. As to certification under Rule 23(a), 23(b)(2), and 23 (b)(3), Class Two is defined to include all Ohio residents who at any time on or after July 27, 1996, purchased a "Warranty Group Service Contract" or "Limited Warranty Service Contract" from defendants or their affiliated companies or partners for or in connection with an automobile primarily used for personal, family or household purposes.
4. A subclass thereof includes all members of Class Two who have or will submit a claim(s) for benefits to defendants for the covered vehicle during the covered period and whose claim(s) were denied in whole or in part for reason(s) not expressly and conspicuously disclosed in the direct advertising and solicitation by which defendants customarily market their products in this state.

**IT IS SO ORDERED.**

**DATED**

10-10-2008

  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**